

Court of Appeals, State of Michigan

ORDER

City of Dearborn v Larry Young

Docket No. 295274

LC No. 08-003672-AR

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Brian K. Zahra
Judges

The Court orders that the application for leave to appeal is DISMISSED. In Docket No. 291614, the City of Dearborn appealed, on the merits, the circuit court's ruling on March 13, 2009, which vacated defendant's jury trial convictions. This Court denied that application for lack of merit in the grounds presented. In the instant application, the City of Dearborn seeks to appeal the same ruling, raising the same arguments as those made in the earlier appeal. The City has attached a November 6, 2009, opinion and order, which apparently were entered merely to correct the clerical omission of the circuit court docket number on the initial order and opinion. Where this Court already has issued a final order on the merits, which the City did not seek to appeal in the Michigan Supreme Court, the circuit court's order of November 6, 2009, had no effect other than to amend the earlier clerical error. Further, where this Court already has reviewed the City's arguments and rejected those arguments on the merits, it will not decide those matters differently in this subsequent appeal. *People v Hermiz*, 235 Mich App 248, 254; 597 NW2d 218 (1999).

The motion for peremptory reversal is DISMISSED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 28 2010

Date

Sandra Schultz Mengel
Chief Clerk